

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 19-21, 22-38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (U.S. 5,958,010) in view of Goldband et al. (U.S. 6,434,532).

As per claim 1, Agarwal teaches a method, for use by an agent, of obtaining data from a device, the method comprising: obtaining data from the device using system calls (Abstract; column 2, lines 33-39; where the use of system calls is inherent); and transmitting the data over an external network using one or more of a plurality of protocols (Abstract; column 1, lines 31-46); where the discussion of the intranet and internet accounts for an external network; column 2, lines 33-39; column 9, lines 26-31). Agarwal does not specifically teach the reception of a plug-in and loading it into the agent. Goldband teaches the reception and loading of a plug-in into an agent (column 4, lines 23-40) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the method of a plug-in to control the obtaining of data, as taught by Goldband in the system of Agarwal. The motivation for doing so lies in the fact that the monitoring can be done more efficiently, and in the case that different data is needed from the device, plug-in is easier to update, rather than reconfiguring the entire system. Both inventions are from the same field of endeavor, namely the use of an agent to obtain data from a device.

The applicant respectfully disagrees. Agarwal and Goldband neither disclose nor suggest “receiving a plug-in containing system calls for obtaining data from a device,” as recited in claim 1. The examiner acknowledges that Agarwal does not teach receiving a plug-in.

Although Goldband describes adding a plug-in to an agent, nowhere is Goldband's plug-in disclosed or suggested to contain system calls for obtaining data from a device. In col. 3, line 45, to col. 4, line 62, Goldband discloses a plug-in communicating with another plug-in and with an application. Goldband, however, is silent as to whether a plug-in communicates with an operating system or performs any other operation that would require the plug-in to invoke a system call. Although Goldband describes a plug-in obtaining data from a device, Goldband's plug-in is neither disclosed nor suggested to use system calls for obtaining data from a device. For example, Goldband describes an Inet plug-in retrieving data from a server in col. 4, lines 41-50, and a hook plug-in receiving application messages from a system hook in col. 6, lines 20-24. However, neither description provides any reference to using system calls for obtaining data from a device.

As per claim 2 ...

As per claim 3 ...

As per claim 4 ...

As per claim 5 ...

As per claim 6 ...

As per claim 7 ...

As per claim 8 ...

As per claim 9 ...

As per claim 10 ...

As per claim 11 ...

As per claim 12 ...

Claims 2-12 are patentable for at least the reasons for which claim 1 is patentable.

As per claim 13, Agarwal-Goldband reaches a method of providing, to a client, data that was obtained by an agent from a remote device on an internal network, the method comprising: receiving the data via an external network, at least some of the data being received periodically (Agarwal: column 3, lines 9-16; where the use of the Internet constitutes an external network; column 7, lines 1-5); formatting the data (Agarwal: column 3, lines 45-53; column 5, lines 39- 55); and making the formatted data accessible to a client via the external network (Agarwal: column 3, lines 45-53; column 7, lines 1-5).

Agarwal and Goldband neither disclose nor suggest obtaining data from “a remote device on an internal network” and “receiving the data via an external network” as recited in claim 13.

In the passages cited by the examiner, Agarwal discloses a generic network without providing any clues as to whether the network is an external network or an internal network. Furthermore, Agarwal's system, described in FIG.1 and the accompanying text in col. 5, lines 5-22, refers to only one network, not both an internal network and an external network.

Though Goldband describes transmitting data over an external network, such as the Internet, Goldband neither discloses nor suggests that the agent resides on an internal network. Furthermore, Goldband never mentions an internal network.

Also, in Goldband, the agent sends data to a server, not to a client, as described in the abstract, FIG. 1, and accompanying text in col. 2, line 57 to col. 3, line 30.

As per claim 14 ...

As per claim 15 ...

As per claim 16 ...

As per claim 17 ...

As per claim 19 ...

As per claim 20 ...

As per claim 21 ...

Claims 14-19, 20, and 21 are patentable for at least the reasons for which claim 13 is patentable.

Applicant : Marcio Carvo de Almeida et al.
Serial No. : 09/954,819
Filed : September 18, 2001
Page : 13 of 14

Attorney's Docket No.: 12971-003001

Claims 22-38 and 40-42 are rejected on the same basis as 1-17 and 19-21 as
claims 22-38 and 40-42 are means of implementing claims 1-17 and 19-21
...

As per claim 18 ...

As per claim 39 ...

Claims 22-33 are patentable for at least the reasons for which claim 1 is patentable. Claims 18
and 34-42 are patentable for at least the reasons for which claim 13 is patentable.

All of the dependent claims are patentable for at least the reasons for which the claims on
which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the
examiner does not mean that the applicant concedes other comments of the examiner, (b) made
arguments for the patentability of some claims does not mean that there are not other good
reasons for patentability of those claims and other claims, or (c) amended a claim does not mean
that the applicant concedes any of the examiner's positions with respect to that claim or other
claims.

Please apply any other charges or credits to deposit account 06-1050, reference 12971-
003001.

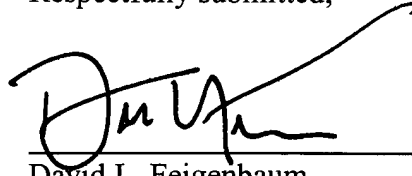
Applicant : Marcio Carvo de Almeida et al.
Serial No. : 09/954,819
Filed : September 18, 2001
Page : 14 of 14

Attorney's Docket No.: 12971-003001

Respectfully submitted,

Date: _____

8/19/5



David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21008714.doc